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EXAMINER
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ART UNIT	PAPER NUMBER
3626	

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16

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM
    THE MAILING DATE OF THIS COMMUNICATION.
    - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
      after SIX (6) MONTHS from the mailing date of this communication.
    - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
    - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
    - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
    - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
      earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 May 2003* .

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-45* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-45* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *15* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment filed 16 May 2003. Claims

1-45 are pending. Claims 1, 11, 12, 13, 17, 21, 22, 23, and 24 have been amended.

Claims 26-45 are newly added.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out

and distinctly claiming the subject matter which the applicant regards as his

invention.

3.   Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

(A)   Claim 4 recites the limitation "wherein generating the plurality of travel

requirements... " in line 1. There is insufficient antecedent basis for this limitation in the claim. For the purpose of prior art rejection, the examiner assumes claim 35 to recite "The method of claim 34 wherein the plurality of travel requirements are based on at least in part on the template and the candidate set of travel options."

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5.   Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 21, 25-29, 32, 33 and 39-45 are

rejected under 35 U.S.C. 102(e) as being anticipated by DeMarcken (6,295,521).

(A)   As per claim 1, DeMarcken discloses a method for rules validation for a travel

planning system comprising:

        reducing a larger set of travel options to a smaller set of diverse travel options in

accordance with diverse travel requirements that represent conditions for a travel option

to be considered for inclusion in the set of diverse travel options. (DeMarcken; col. 49,

lines 30-44, fig. 18, and col. 50, lines 22-39); the examiner interprets the "pricing graph"

as "a larger set of travel options" and the "extracted pricing solutions" as a "smaller set

of diverse travel options.")

(B)   Claims 2-9 have not been amended and are rejected for the same reasons

given in the previous Office Action (paper number 8), and incorporated herein.

(C)   As per claim 10, DeMarcken discloses:

        receiving a candidate set of travel options (DeMarcken; col. 49, lines 18-24);

        selecting one or more travel options from the candidate set of travel options that

are best for each of a plurality of travel preference functions (DeMarcken; col. 6, lines 1-

6 and col. 49, lines 30-67); and

combining the selected one or more travel options for each travel preference

function to provide a set of diverse travel options (DeMarcken; col. 49, lines 30-67 and

col. 50, lines 22-49).

(D)   As per claim 11, DeMarcken discloses the travel preference functions include

At least one functions that optimize cost and functions that optimize convenience

(DeMarcken; col. 50, lines 22-49).

(E)   As per claim 12, DeMarcken discloses the travel preference functions include

functions that optimize cost, functions that optimize convenience and functions that

optimize combinations of cost and convenience (DeMarcken; col. 50, lines 22-49).

(F)   Claim 21 is the corresponding system claim to method claim 1 and therefore is

rejected for the same reasons given above in the rejection of claim 1 and incorporated

herein.

(G)   As per claim 25, DeMarcken discloses evaluating for the travel requirements a

set of travel preference functions used to order the larger set of travel options

(DeMarcken; col. 49, line 30-col. 50, line 39; the examiner interprets the "user query" as

a form of "travel preference function.")

(H)   As per claim 26, DeMarcken teaches a method executed in a computer system

to output a set of travel options (DeMarcken; col. 4, lines 14-16), the method

comprising:

reducing a larger set of travel options to a smaller set of diverse travel options in

accordance with diverse travel requirements that represent conditions for a travel option

to be considered for inclusion in the smaller set of diverse travel options, wherein for

each of the diverse travel requirements, at least one travel option in the set of diverse

travel options represents a best travel option from the larger set of travel options for that

specific requirement (DeMarcken; col. 50, lines 22-39).

As per claim 27, DeMarcken teaches wherein each of the travel options comprise an

itinerary and price (DeMarcken; col. 5, lines 1-6).

(I)   As per claim 27, DeMarcken teaches wherein each of the travel options comprise

an itinerary and price (DeMarcken; col. 5, lines 1-6).

(J)   Claim 28 repeats the features of claim 10 and is therefore rejected for the same

reasons given above for the rejection of claim 10 and incorporated herein.

(K)   As per claim 29, DeMarcken teaches rendering the diverse set of travel options

on an output device (DeMarcken; col. 49, lines 30-67).

(L)   As per claim 32, DeMarcken teaches wherein the travel requirements comprise,

travel on a particular carrier, non-stop travel, outbound travel departing in a predefined

time period, return travel departing in a predefined time period, non-stop travel on a

particular airline, or travel with an outbound departure on a first predefined data and a

return arrival n a second predefined date (DeMarcken; col. 50, lines 34-39 and figures

26 and 27).

(M)   As per claim 33, DeMarcken teaches wherein the predefined time period

comprises morning, afternoon, evening or a predefined date (DeMarcken; col. 50, lines

23-29; it is respectfully submitted, that a given itinerary involves predefined time periods

that comprise morning, afternoon, evening or a predefined date (DeMarcken; col. 4,

lines 43-51).

(N)   As per claim 39, DeMarcken teaches a method for generating a diverse set of

travel options, the method comprising:

generating a first ordered set of travel options using a first preference function

(DeMarcken; col. 50, lines 22-35);

selecting a predefined number of best travel options from the first set where the

best travel options are selected according to satisfying the first preference function

(DeMarcken; col. 50, lines 22-25);

generating a second ordered set of travel options using a second preference

function, the second preference function being different from the first preference

function (DeMarcken; col. 50, lines 25-33;

selecting a predefined number of best travel options from the second set where

the best travel options are selected according to satisfying the second preference

function (DeMarcken; col. 50, lines 25-33);

(O)   As per claim 40, DeMarcken teaches:

wherein selecting a predefined number of best travel options from the first set

further comprises selecting, for each travel requirement, one or more travel options from

the first set that satisfy that respective travel requirement (DeMarcken; col. 50, lines 22-

25), and

wherein selecting a predefined number of best travel options from the second set

further comprises selecting, for each travel requirement, one or more travel options from

the second set that satisfy that respective travel requirement (DeMarcken; col. 50, lines

25-33).

(P)   As per claim 41, DeMarcken teaches displaying the diverse set of travel options

to a user (DeMarcken; col. 6, lines 1-6).

(Q)   As per claim 42, DeMarcken teaches wherein the first preference function orders

the travel options based at lest in part on price and the second preference function

orders the travel options based at least in part on travel time or number of stops

(DeMarcken; col. 50, lines 22-39).

(R)   Claim 43 differs from method claim 28 by reciting a "an article of manufacture

having computer-readable program portions embodies therein..." in the preamble. As

per this limitation, DeMarcken's system is implemented on a computer (DeMarcken; col.

4, lines 14-16). As such, Pereira implicitly includes computer elements such as a

programmed computer readable medium. The remainder of claim 43 repeats the

limitations of claim 28, and is therefore rejected for the same reasons given above for

claim 28.

(S)   Claims 44 and 45 repeat the features of claims 39 and 40, respectively, and are

therefore rejected for the same reasons given above in the rejection of claims 39 and 40

and incorporated herein.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed

or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 13, 14,15, 16, 17, 18, 19, 20, 22, 23, 24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMarcken et al (6,377,932) as applied to claims 21 and 28 above and further in view of Webber et al. (5, 331, 546).

(A)   As per claim 13, DeMarcken teaches sorting the list of travel options Ts by an ordering function F to produce a best-first ordered list Ts2 (DeMarcken; col. 50, lines 41-49).

However, DeMarcken fails to expressly teach the remaining limitations but does teach applying the requirements in a specific order (DeMarcken; col. 50, lines 22-23). However, these features are old and well known in the art, as evidenced by Webber's teachings with regards to:

generating a prioritized ordered list of requirements Rs (Webber; fig. 4A; the examiner interprets requirements like items 60, 62, and 66 in fig. 4A as a "prioritized list of requirements.");

selecting a travel requirement R1 from the list of requirements Rs (Webber; col. 8, lines 32-41; the Examiner interprets step "62" as the "R1" requirement);

identifying a travel option T1 in the ordered list Ts2 that satisfies the travel requirement R1 (Webber; col. 8, lines 32-41);

adding the travel option T1 to the diverse list of travel options Rts (Webber; col. 8, lines 32-41; the Examiner interprets the "temporary list" as a form of "diverse list of travel options");

selecting a second travel requirement R2 from the list of requirements Rs (Webber; col. 8, lines 42-59; the Examiner interprets step "66" as travel requirement "R2");

identifying a travel option T2 in the ordered list Ts2 that satisfies travel requirement R2 (Webber; col. 8, lines 42-59); and

adding the travel option T2 to the diverse list of travel options Rts (Webber; col. 8, lines 42-59).

It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by DeMarcken with Webber's teaching with regards to these limitations, with the motivation of taking into account details of a preset corporate travel policy, as well as individual travel preferences, such as the trade-offs between ticket prices and travel time (Webber; col. 2, lines 36-41).

(B)   As per claim 14, DeMarcken fails to expressly disclose initializing the list of result travel options Rts to be empty; and if the remaining list of requirements Rs is empty, returning an ordered list of diverse travel options Rts. However, this feature is old and well known in the art, as evidenced by Webber's teachings with regards to initializing the list of result travel options RTs to be empty; and if the remaining list of requirements

Rs is empty, returning an ordered list of diverse travel options Rts (Webber; col. 8, lines

35-50, fig. 6A, and fig. 6B; it is respectfully submitted, that if the resulting travel options

list is empty after testing a requirement, then the list of result travel options has been

initialized to be empty; the examiner interprets "save as one of the six best preference

itineraries," item 234 of fig. 6A, as occurring after determining that the "remaining list of

requirements is empty" and interprets "sort the selected itineraries by departure time

and display them and their best fares to the travel arranger" as "returning an ordered

list of diverse travel options."). It is respectfully submitted, that it would have been

obvious, to one having ordinary skill in the art at the time the invention was made, to

expand the system taught by DeMarcken with Webber's teachings with regards to

initializing the list of result travel options RTs to be empty; and if the remaining list of

requirements Rs is empty, returning an ordered list of diverse travel options Rts, with

the motivation of rapidly sifting through what may be thousands of currently available

flights, fares and rules for a given trip and to find the lowest fare for which the particular

traveler and trip qualify and for which seats are available (Webber; col. 4, lines 25-34).

(C)   As per claim 15, the collective system of DeMarcken and Webber teach

initializing the list of result travel options Rts to be empty as shown above in the

rejection of claim 14, and therefore incorporated herein. The combined system of

DeMarcken and Webber, collectively also teach if the remaining list of requirements Rs

is not empty, selecting a first travel requirement R from the ordered list of requirements

(Rs) (Webber; fig. 6A; the examiner interprets selecting requirements, like items 226

and 228 of fig. 6A, as "selecting a first travel requirement from the ordered list of

requirements if the remaining list of requirement is not empty.")

However, the combined system of DeMarcken and Webber, collectively fail to

teach removing a requirement R from the requirement list (Rs). It is respectfully

submitted, that it would have been obvious, to one having ordinary skill in the art at the

time the invention was made, to expand the collective system taught by DeMarcken and

Webber to remove the requirement from the list, with the motivation ensuring a

particular requirement is not applied multiple times.

(D)   As per claims 16 and 17, DeMarcken fails to expressly disclose finding a first

option T in a best-first ordered list (Ts2) that satisfies travel requirement R and

determining whether any option in the Ts2 satisfies the travel requirement. However,

this feature is old and well known in the art, as evidenced by Webber's teachings with

regards to finding a first option T in a best-first ordered list (Ts2) that satisfies travel

requirement R and determining whether any option in the Ts2 satisfies the travel

requirement (Webber; fig. 2; the examiner interprets "select itineraries with available

seats and lowest valid fares" as "finding a first option that satisfies travel requirements"

and interprets "select only confirming itineraries" as "determining whether an options

satisfies travel requirement.") It is respectfully submitted, that it would have been

obvious, to one having ordinary skill in the art at the time the invention was made, to

expand the system taught by DeMarcken with Webber's teachings with regards to

finding a first option T in a best-first ordered list (Ts2) that satisfies travel requirement R

and determining whether any option in the Ts2 satisfies the travel requirement, with the motivation of rapidly sifting through what may be thousands of currently available flights, fares and rules for a given trip and to find the lowest fare for which the particular traveler and trip qualify and for which seats are available (Webber; col. 4, lines 25-34).

(E)   As per claim 18, DeMarcken fails to expressly disclose if no option in Ts2 satisfies R, the method further comprises: checking if the remaining list of requirements Rs is empty. However, this feature is old and well known in the art, as evidenced by Webber's teachings with regards to checking if the remaining list of requirements Rs is empty if no option in Ts2 satisfies R (Webber; col. 8, lines 25-40). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by DeMarcken with Webber's teachings with regards to checking if the remaining list of requirements Rs is empty if no option in Ts2 satisfies R, with the motivation of rapidly sifting through what may be thousands of currently available flights, fares and rules for a given trip and to find the lowest fare for which the particular traveler and trip qualify and for which seats are available (Webber; col. 4, lines 25-34).

(F)   As per claim 19, the collective system of DeMarcken and Webber teach determining if the size of the travel option list Rts is equal to or greater than N the process in order to return the ordered list of diverse travel options (Webber; col. 15, lines 7-17).

However, the combined system of DeMarcken and Webber collectively fail to

teach after determining if a travel option T is not already in the result list Rts, adding the

travel option T to end of the result travel option list Rts. It is respectfully submitted, that

it would have been obvious, to one having ordinary skill in the art at the time the

invention was made, to expand the collective system taught by DeMarcken and Webber

to determine if a travel option T is not already in the result list Rts and adding the travel

option T to end of the result travel option list Rts, with the motivation ensuring a

particular travel option does not show up multiple times in the travel option result list.

(G)   As per claim 20, the combined system of DeMarcken and Webber, collectively

fail to teach determining for each travel requirement R2 in Rs, whether the requirement

R2 includes a requirement R, and T satisfies R2, and if T satisfies R2; removing R2

from Rs. It is respectfully submitted, that it would have been obvious, to one having

ordinary skill in the art at the time the invention was made, to expand the collective

system taught by DeMarcken and Webber to determine for each travel requirement R2

in Rs, whether the requirement R2 includes a requirement R, and T satisfies R2, and if

T satisfies R2; removing R2 from Rs, with the motivation improving the speed of the

system by by-passing the application of a requirement that is a subset of an already

applied requirement.

(H)   Claims 22-24 are the corresponding system claims to method claims 13-15 and

therefore are rejected for the same reasons given above in the rejections of claims 13-

15 and incorporated herein.

(I)   As per claim 31, DeMarcken fails to expressly teach wherein at least one of the

travel requirements within the plurality is not a user entered travel requirement.

However, this feature is old and well known in the art, as evidenced by Webber's

teachings with regards to wherein at least one of the travel requirements within the

plurality is not a user entered travel requirement (Webber; fig. 4A; the examiner

interprets items 60, 62, and 66 in fig. 4A as forms of "travel requirements." It is

respectfully submitted, that it would have been obvious, to one having ordinary skill in

the art at the time the invention was made, to expand the system taught by DeMarcken

with Webber's teachings with regards to this limitation, with the motivation of taking into

account details of a preset corporate travel policy, as well as individual travel

preferences, such as the trade-offs between ticket prices and travel time (Webber; col.

2, lines 36-41).

8.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over

DeMarcken et al (6,377,932) as applied to claim 28 above.

(A)   As per claim 30, DeMarcken fails to expressly teach eliminating from the plurality

of travel requirements a first travel requirement when the one or more travel options

selected for a second travel requirement satisfy the first travel requirement. However, it

is respectfully submitted that it is well-known in the art that applying a first and second travel requirement may result in the same subset of travel options (i.e., the 10 cheapest flights may also be the 10 best flights for convenience), As such, it is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by DeMarcken to eliminate from the plurality of travel requirements a first travel requirement when the one or more travel options selected for a second travel requirement satisfy the first travel requirement, with the motivation of making the requirements-applying process faster and more efficient by eliminating redundant requirements that would produce a similar subset of the travel options.

9.   Claims 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMarcken et al (6,377,932) as applied to claim 28 above and further in view of Karch et al. (6, 442, 537).

(A)   As per claim 34 DeMarcken teaches the travel requirements are rules (DeMarcken; col. 3, lines 8-9) but fails to expressly teach defining a template of rules. However, this feature is old and well known in the art, as evidenced by Karch's teachings with regards to defining a template of rules (Karch; col. 1, line 66-col. 2, line 6). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by DeMarcken with Karch's teachings with regards to this limitation, with the motivation of

utilizing an efficient rules system that does not result in significant degradation of performance through the use of extensive amounts of processing power (Karch; col. 1, lines 38-42).

(B)   As per claim 35, DeMarcken teaches the travel requirements are rules and wherein the plurality of travel requirements are based at least in part on the candidate set of travel options (DeMarcken; col. 3, lines 8-9 and col. 50, lines 41-66) but fails to expressly teach wherein the rules are based at least in part on the template. However, this feature is old and well known in the art, as evidenced by Karch's teachings with regards to wherein the rules are based at least in part on the template (Karch; col. 1, line 66-col. 2, line 6). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by DeMarcken with Karch's teachings with regards to this limitation, with the motivation of utilizing an efficient rules system that does not result in significant degradation of performance through the use of extensive amounts of processing power (Karch; col. 1, lines 38-42).

(C)   As per claim 36, the combined system of DeMarcken and Karch collectively teach that the parameter values for the template can be adjusted (Karch; col. 2, lines 12-25) but collectively fail to expressly teach that that the adjustments to the parameter values of the template are based on analyzing the candidate set of travel options. However, since the combined system of DeMarcken and Karch collectively teach that

the function of the rule customization process is to receive inputs and customize the

template rules based on the inputs (Karch; col. 2, lines 26-35) and collectively teach

that the travel options are inputs into the rules-applying process (DeMarcken; col. 50,

lines 22-39), it is respectfully submitted, that it would have been obvious, to one having

ordinary skill in the art at the time the invention was made, to expand the system taught

by DeMarcken and Karch teachings to analyze the candidate set of travel options to

determine parameter values for the template, with the motivation of customizing the

rules for the specific domain model (Karch; col. 2, lines 19-35).

(D)   As per claim 37, DeMarcken teaches wherein the travel requirements comprise,

travel on a particular carrier, non-stop travel, outbound travel departing in a predefined

time period, return travel departing in a predefined time period, non-stop travel on a

particular airline, or travel with an outbound departure on a first predefined data and a

return arrival n a second predefined date (DeMarcken; col. 50, lines 34-39 and figures 6

and 27) but fails to expressly teach wherein the rules are based at least in part on the

template. However, this feature is old and well known in the art, as evidenced by

Karch's teachings with regards to wherein the rules are based at least in part on the

template (Karch; col. 1, line 66-col. 2, line 6). It is respectfully submitted, that it would

have been obvious, to one having ordinary skill in the art at the time the invention was

made, to expand the system taught by DeMarcken with Karch's teachings with regards

to this limitation, with the motivation of utilizing an efficient rules system that does not

result in significant degradation of performance through the use of extensive amounts of processing power (Karch; col. 1, lines 38-42).

(E)   As per claim 38, DeMarcken teaches wherein the predefined time period comprises morning, afternoon, evening or a predefined date (DeMarcken; col. 50, lines 23-29; it is respectfully submitted, that a given itinerary involves predefined time periods that comprise morning, afternoon, evening or a predefined date (DeMarcken; col. 4, lines 43-51).

Response to Arguments

10.   Applicant's arguments with respect to amended claims 10, 13 21, 26 and 27 have been considered but are moot in view of the new ground(s) of rejection.

(A)   At page 10 of the 5/12/03 communication, Applicant argues each of the applied references individually.

In response, the Examiner respectfully submits that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, the teachings that Applicant argues are novel and/or missing from the DeMarcken reference are in fact clearly disclosed by the teachings of DeMarcken and/or Webber, as discussed in the preceding rejections, and incorporated herein.

Further, the features newly added and entered in the amendment filed 5/12/03,

they have been shown to be fully disclosed by DeMarcken and/or Webber, as discussed

above in detail within the preceding sections of the present Office Action.

In addition, it is respectfully submitted that the test for obviousness is not whether

the features of a secondary reference may be bodily incorporated into the structure of

the primary reference; nor is it that the claimed invention must be expressly suggested

in any one or all of the references. Rather, the test is what the combined teachings of

the references would have suggested to those of ordinary skill in the art. See *In re*

Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

11.   Applicant's arguments filed 5/12/03 have been fully considered but they are not

persuasive. Applicant's arguments will be addressed herein below in the order in which

they appear in the response filed 5/12/03.

(A)   At page 8 of the 5/12/03 response, Applicant argues that "DeMarcken teaches

the use of value functions and other techniques o eliminate diversity..." in reference to

claim 1. In response, the Examiner respectfully notes that on page 8 of Applicant's

arguments filed 5/12/03, Applicant notes that "the diverse travel requirements of the

applicant's invention ...represent conditions for a travel option to be considered for

inclusion in the set of diverse travel options." As such, DeMarcken clearly teaches the

recited feature. For example, DeMarcken teaches that it may be desirebale to

enumerate the 100 cheapest solutions, as cited by Applicant on page 9 of Applicant's
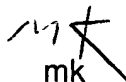
arguments filed 5/12/03. It is respectfully submitted that, a travel requirements that is applied to a large set of travel options to determine which options should be included in a smaller set of travel options (i.e., the 100 cheapest), reads on the argued feature.
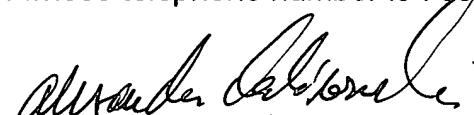
Conclusion

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milan S Kapadia whose telephone number is 703-305-3887. The examiner can normally be reached on Monday through Thursday, 8:30 A.M. to 6:00 P.M. In addition the examiner can be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

13.   Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

ALEXANDER KALINOWSKI
PATENT EXAMINER
AU 3626

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July 24, 2003